IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO 2258 OF 2005.

Vishwanath Ram Mhatre ..Petitioner

Versus

The State of Maharashtra & Ors. .. Respondent

Mr. Naveen Chomal for the petitioner.

Mr. D.R. More, A.P.P. for the respondents.

CORAM: SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.

DATED: 4TH OCTOBER, 2005

P.C. :

. The petitioner was released on furlough leave on 6/9/2005. The period of furlough was to expire on 21/9/2005. According to the petitioner, his wife is suffering from heart disease and she has been advised angiography. Because of heart ailment of his wife, he wanted extension of furlough leave. Therefore, he filed the instant petition on 15/9/2005 i.e. prior to expiry of furlough leave period. The petitioner's Counsel moved it before the learned Single Judge of this Court on 20/9/2005. On that day,the learned Single Judge observed that in view of the recent observations of the Division Bench of this Court, the office will have to verify whether this petition pertains to the Division Bench. Mr. Chomal contended that thereafter the office made enquiry and advised him that this petition should

be moved before the Division Bench. That is how the learned Counsel for the petitioner has moved this petition before us. It is obvious that the petition seeking extension of furlough was filed before the expiry of furlough leave but inadvertently, it was moved before the learned Single Judge. Mr. Chomal submitted that the Maharashtra Prisons (Bombay Furlough and Parole) (Amednemnt) Rules, 1959 have been amended and as per the amendment, the furlough leave can be extended by a period of 14 days only. The petitioner was initially granted furlough on 6/9/2005. We have already noted that the furlough period expired on 21/9/2005. If the recent amendment is considered and in view of the health condition of the petitioner's wife, if further leave of 14 days is granted to the petitioner, the period would expire tomorrow i.e 5/10/2005. Mr. Chomal submits that the petitioner shall surrender to the prison authorities tomorrow i.e. on 5/10/2005. In the peculiar facts and circumstances of the case, the petitioner's furlough leave is treated as having been extended up to tomorrow. The petitioner shall surrender tomorrow i.e. 5/10/2005. The petition is disposed of.

[SMT. RANJANA P. DESAI, J.]

[ANOOP V. MOHTA, J.]